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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,051	03/24/2004	Grey Newton	1159-001	4197

7590

11/24/2006

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EXAMINER
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LEUNG, JENNIFER

ART UNIT	PAPER NUMBER
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3709

DATE MAILED: 11/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/808,051

**Applicant(s)**

NEWTON, GREY

**Examiner**

Jennifer Leung

**Art Unit**

3709

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 3/24/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Specification*

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because the abstract exceeds 150 words. Correction is required. See MPEP § 608.01(b).

3. The disclosure is objected to because of the following informalities:

Page 3, line 8: "and his/her neck" should be -- around his/her neck --.

Page 3, line 29: "a housing 18" should be -- a base housing 18 --. The base already has reference number 16, and the housing already has reference number 12.

Page 4, line 26: "the base 18" should be -- the base housing 18 --. The base already has reference number 16, and the housing already has reference number 12.

Appropriate correction is required.

***Claim Objections***

4. Claims 1-14 are objected to because of the following informalities:

Claim 1, line 4: "a housing" should be -- a base housing --.

Claim 1, line 5: "said sound" should be -- a sound --.

Claim 1, line 6: "said audio message and music generator" should be -- said audio message or music generator --.

Claim 1, line 14: "said hockey light" should be -- said upper goal light --.

Claim 1, line 15: "said hockey light" should be -- said upper goal light --.

Claim 1, line 17: "said assembly" should be -- said hockey light assembly --.

Claim 2, line 1: "The hockey light system" should be -- The hockey light assembly --.

Claim 2, lines 1-2: "said upper goal light comprising" is suggested to be -- wherein said upper goal light comprises --.

Claim 3, line 1: "The hockey light system" should be -- The hockey light assembly --.

Claim 3, lines 1-2: "said outer lens further comprising" is suggested to be -- wherein said outer lens further comprises --.

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Claim 4, line 1: "The hockey light system" should be -- The hockey light assembly --.

Claim 4, lines 1-2: "said upper goal light and said base support system further comprising" is suggested to be -- wherein said upper goal light and said base support system further comprises --.

Claim 5, line 1: "The hockey light system" should be -- The hockey light assembly --.

Claim 5, line 1: "claim 1 and further comprising" is suggested to be -- claim 1, further comprising --.

Claim 5, line 2: "said hockey light system" should be -- said hockey light assembly --.

Claim 5, lines 2-3: "said control" should be -- said remote control --.

Claim 6, line 7: "said assembly" should be -- said hockey light assembly --.

Claim 7, line 1: "said base support system further comprising" is suggested to be -- wherein said base support system further comprises --.

Claim 7, line 3: "a housing" should be -- a base housing --.

Claim 7, line 4: "said sound" should be -- a sound --.

Claim 7, line 5: "said audio message and music generator" should be -- said audio message or music generator --.

Claim 8, lines 1-2: "said base support system further comprising" is suggested to be -- wherein said base support system further comprises --.

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Claim 9, lines 1-2: "said base support system further comprising" is suggested to be -- wherein said base support system further comprises --.

Claim 9, line 3: "said hockey light" should be -- said upper goal light --.

Claim 9, line 4: "said hockey light" should be -- said upper goal light --.

Claim 10, lines 1-2: "said base support system further comprising" is suggested to be -- wherein said base support system further comprises --.

Claim 10, line 2: "said assembly" should be -- said hockey light assembly --.

Claim 11, line 4: "a housing" should be -- a base housing --.

Claim 11, line 5: "said sound" should be -- a sound --.

Claim 11, line 6: "said audio message and music generator" should be -- said audio message or music generator --.

Claim 11, line 14: "said hockey light" should be -- said upper goal light --.

Claim 11, line 15: "said hockey light" should be -- said upper goal light --.

Claim 11, line 20: "said assembly" should be -- said hockey light assembly --.

Claim 12, lines 1-2: "said outer lens further comprising" is suggested to be -- wherein said outer lens further comprises --.

Claim 12, line 1: "The hockey light system" should be -- The hockey light assembly --.

Claim 13, line 1: "The hockey light system" should be -- The hockey light assembly --.

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Claim 13, lines 1-2: "said upper goal light and said base support system further comprising" is suggested to be -- wherein said upper goal light and said base support system further comprises --.

Claim 14, line 1: "The hockey light system" should be -- The hockey light assembly --.

Claim 14, line 1: "claim 11 and further comprising" is suggested to be -- claim 11, further comprising --.

Claim 14, line 2: "said hockey light system" should be -- said hockey light assembly --.

Claim 14, lines 2-3: "said control" should be -- said remote control --.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1, 7, and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "may include" in claim 1, lines 6-7, claim 7, lines 5-6, and claim 11, lines 6-7, renders the claims indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-3, 11 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Shaw (US 6,140,930).

Re claim 1: Shaw discloses a light assembly comprising a housing including an upper goal light (20, Fig. 3) and a base support system (21, Fig. 3); said base support system further comprising: a housing (21, Fig. 3) for supporting a sound system and speaker for broadcasting said sound (22, Fig. 3; 23, Figs. 3 & 6; 52, Fig. 7), said sound system including an audio message or music generator, wherein said audio message and music generator may include preprogrammed material means for actively broadcasting by a user from at least one of the following: a radio, a compact disc, a tape recording, a DVD, a user, a computer, or any other source of sound production or audio material (col. 4, lines 54-57; col. 6, lines 6-15; col. 6, lines 55-59); volume adjustment for controlling said sound system (col. 7, lines 20-24); an energy activation system for



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powering said light assembly (col. 6, lines 41-54); a switching mechanism for activating said light alone, said sound system alone, or said light simultaneously with said sound system (col. 5, lines 1-2; col. 6, lines 1-3); and an external activation device for activating said assembly, including but not limited to a remote control sensor, a television signal, a pager or a page network transmission (Fig. 2; col. 5, lines 40-45; col. 5, lines 50-53; col. 5, lines 64-67).

Re claim 2: Shaw further discloses the assembly of claim 1, wherein said upper goal light comprises an outer lens and an internal light system, wherein said outer lens is formed of a translucent material (20A, Fig. 3) and said internal light system is a rotating beacon (col. 4, lines 44-48).

Re claim 3: Shaw further discloses the assembly of claim 2, wherein said outer lens further comprises a colored hue or logo (col. 4, lines 48-49).

Re claim 11: Shaw discloses a light assembly comprising a housing including an upper goal light (20, Fig. 3) and a base support system (21, Fig. 3); said base support system further comprising: a housing for supporting a sound system and speaker for broadcasting said sound (22, Fig. 3; 23, Figs. 3 & 6; 52, Fig. 7), said sound system including an audio message or music generator, wherein said audio message and music generator may include preprogrammed material means for actively broadcasting by a user from at least one of the following: a radio, a compact disc, a tape recording, a

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DVD, a user, a computer, or any other source of sound production or audio material (col. 4, lines 54-57; col. 6, lines 6-15; col. 6, lines 55-59); volume adjustment for controlling said sound system (col. 7, lines 20-24); an energy activation system for powering said light assembly (col. 6, lines 41-54); and a switching mechanism for activating said light alone, said sound system alone, or said light simultaneously with said sound system (col. 5, lines 1-2; col. 6, lines 1-3); said upper goal light comprising an outer lens and an internal light system, wherein said outer lens is formed of a translucent material (20A, Fig. 3) and said internal light system is a rotating beacon (col. 4, lines 44-48); and an external activation device for activating said assembly, including but not limited to a remote control sensor, a television signal, a pager or a page network transmission (Fig. 2; col. 5, lines 40-45; col. 5, lines 50-53; col. 5, lines 64-67).

Re claim 12: Shaw further discloses the assembly of claim 11, wherein said outer lens further comprises a colored hue or logo (col. 4, lines 48-49).

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 4 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaw in view of Code Blue®

([http://web.archive.org/web/20020219132213/www.codeblue.com/Products/CB\\_Id.html](http://web.archive.org/web/20020219132213/www.codeblue.com/Products/CB_Id.html))

The teachings of Shaw have been discussed above. However, Shaw fails to disclose the upper goal light and said base support system further comprising a team color scheme.

Code Blue® teaches the assembly comprising a color scheme by using custom colors (fourteenth bullet under "Optional Features").

Therefore, in view of Code Blue®, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a color scheme to the light assembly in order to promote team spirit and also match the color of a particular team.

11. Claims 5 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaw in view of Ferrante (US 4,815,683). The teachings of Shaw have been discussed above. However, Shaw fails to disclose a remote control for activating said light system and nesting for said control within said base support system.

Ferrante teaches a remote control for activating an assembly (col. 1, lines 14-20) and a holder for the remote control (12, Figs. 1A & 6; col. 2, lines 57-60).

Therefore, in view of Ferrante, it would have been obvious to one of ordinary skill in the art at the time the invention was made to activate the assembly with a remote control and to attach a holder for the remote control onto the assembly in order to allow

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the user the operate the assembly from a remote location and also to prevent the user from losing the remote control by placing it back in the holder after use.

12. Claims 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaw in view of Beghelli (US 5,022,627). The teachings of Shaw have been discussed above. However, Shaw fails to disclose an outer lens that includes a visual monogram.

Beghelli teaches enclosing plates of translucent material bearing writing or an image (6, Fig. 4; col. 2, lines 15-20).

Therefore, in view of Beghelli, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a monogram on the outer lens of the light in order to provide representation of the hockey team.

### ***Conclusion***

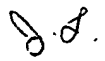
13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hur discloses a universal mounting plate for audible-visual alarms. Pherigo, Jr. discloses an overhead warning device. Fusco discloses a light and alarm device. Dickerson discloses a distress light with selectively useable colored lenses.

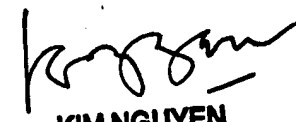
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer Leung whose telephone number is 571-270-1342. The examiner can normally be reached on Mon -Thur, every other Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong-Suk (James) Lee can be reached on 571-272-7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Jennifer Leung  
November 14, 2006

  
**KIM NGUYEN**  
**PRIMARY EXAMINER**